

## Article - Public Safety

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§13A–718.1.

(a) (1) At any time before the announcement of findings under § 13A–718 of this subtitle, the convening authority and the accused may enter into a plea agreement with respect to such matters as:

(i) the manner in which the convening authority will dispose of one or more charges and specifications; and

(ii) limitations on the sentence that may be adjudged for one or more charges and specifications.

(2) The military judge of a general or special court–martial may not participate in discussions between the parties concerning prospective terms and conditions of a plea agreement.

(b) The military judge of a general or special court–martial shall reject a plea agreement that:

(1) contains a provision that has not been accepted by both parties;

(2) contains a provision that is not understood by the accused;

(3) except as provided in subsection (c) of this section, contains a provision for a sentence that is less than the mandatory minimum sentence applicable to an offense referred to in § 13A–802 of this title;

(4) is prohibited by law; or

(5) is contrary to, or is inconsistent with, a regulation prescribed by the president with respect to terms, conditions, or other aspects of plea agreements.

(c) With respect to an offense referred to in § 13A–802 of this title:

(1) the military judge may accept a plea agreement that provides for a sentence of bad conduct discharge; and

(2) on recommendation of the trial counsel, in exchange for substantial assistance by the accused in the investigation or prosecution of another person who has committed an offense, the military judge may accept a plea agreement

that provides for a sentence that is less than the mandatory minimum sentence for the offense charged.

(d) On acceptance by the military judge of a general or special court-martial, a plea agreement shall bind the parties and the court-martial.

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